

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of Insurance and Financial Services

Renay M. Proenza
Petitioner

Case No. 13-926-L
Docket No. 13-005216-OFIR

v

**Department of Insurance and
Financial Services**
Respondent

Issued and entered
this 19th day of August 2013
by Randall S. Gregg
Special Deputy Director

FINAL DECISION

This matter concerns the denial of an insurance producer license to the Petitioner. The Petitioner challenged the denial and requested a hearing. On July 24, 2013, the Petitioner withdrew his appeal of the license denial.

On July 29, 2013, in response to the withdrawal request, the administrative law judge (ALJ) assigned to preside at the hearing issued an Order Allowing Withdrawal. This order purports to dismiss the case itself. The dismissal of an administrative case exceeds the authority of an ALJ in a contested case. Section 81(1) of the Administrative Procedures Act of 1969, MCL 24.281(1), provides:

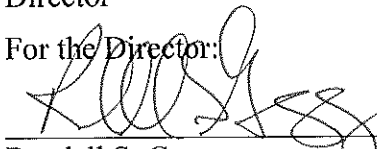
When the official or a majority of the officials of the agency who are to make a final decision have not heard a contested case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served on the parties, and an opportunity is given to each party adversely affected to file exceptions and present written arguments to the officials who are to make the decision....

Thus, a final decision may only be issued by the agency or official authorized to make a final decision. In this case, that official is the Special Deputy Director of the Department of Insurance and Financial Services. Consequently, the ALJ's order is hereby vacated.

It is ORDERED that this matter is dismissed.

R. Kevin Clinton
Director

For the Director:



Randall S. Gregg
Special Deputy Director